

OFFICIAL RECEIVED
CENTRAL FAX CENTER
JUL 26 2004**DINNIN & DUNN, P.C.**ROBERT A. DUNN
MICHAEL T. RAGGIOKURT L. VANVOORHIES, PH.D., P.E.
(REGISTERED PATENT AGENT)ATTORNEYS AND COUNSELORS
2701 CAMBRIDGE COURTSUITE 500
AUBURN HILLS, MICHIGAN 48326(248) 364-2100
TELEFACSIMILE (248) 364-2200
E-MAIL DINNINDUNN@AOL.COM
WEBSITE WWW.DINNINDUNN.COMMICHAEL R. DINNIN
LYMAN R. LYON
(1928-2000)LLOYD M. FORSTER
(1919-1993)SPECIALIZING IN
INTELLECTUAL PROPERTY LAW:
PATENT, TRADEMARK, COPYRIGHT,
AND TECHNOLOGY RELATED CAUSES**FACSIMILE COVER SHEET**To: Mail Stop Missing PartsFAX #: 703-872-9306From: Kurt L. VanVoorhiesDate: 26 July 2004Total number of pages (including cover sheet) : 11Message:

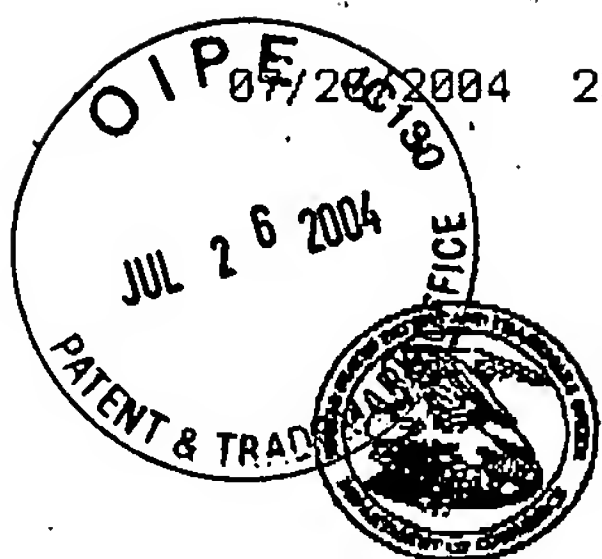
Application No. : 10/708,897
Applicant : Bruce W. TRYON
Filed : 30 March 2004
TC/A.U. : 3661
Examiner : (OIPE)
Title : HYBRID ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM
Docket No. : 5704-00209
Confirmation No. : 2896
Customer No. : 26659

Facsimile Contents:

- | | |
|---|---------|
| 1. Transmittal | 1 page |
| 2. Credit Card Payment Form for \$130 | 1 page |
| 3. Copy of Notice to File Missing Parts | 2 pages |
| 4. Response to Notice to File Missing Parts | 2 pages |
| 5. Substitute Declaration and Power of Attorney | 3 pages |
| 6. Marked-up copy of Official Filing Receipt | 1 page |
| 7. Certificate of Mailing (on items 1 and 4) | |

RECEIVED
JUL 29 2004
OIPE/JCWS

CONFIDENTIAL: The information contained in this transmission is intended only for the use of the addressee(s) named above. If the reader of this message is not the named addressee, or the addressee's agent or employee responsible for delivering the message to the addressee(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone (collect if necessary) at the number listed above and return the original message to us via U.S. Mail.



07/26/2004 23:36 9062976014

KLWVPHDPEPC VORTEKX

PAGE 04

Page 1 of 2
MAY 28 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/708,897	03/30/2004	Bruce W. Tryon	5704-00209

26659
DINNIN & DUNN, P.C.
2701 CAMBRIDGE COURT, STE. 500
AUBURN HILLS, MI 48326

CONFIRMATION NO. 2896

FORMALITIES LETTER

OC000000012776426

07/29/2004 SSESHE1 00000075 10708897

01 FC:1051

130.00 DP

Date Mailed: 05/26/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$86 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$216 for a Large Entity

- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$86
 - \$86 for 4 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

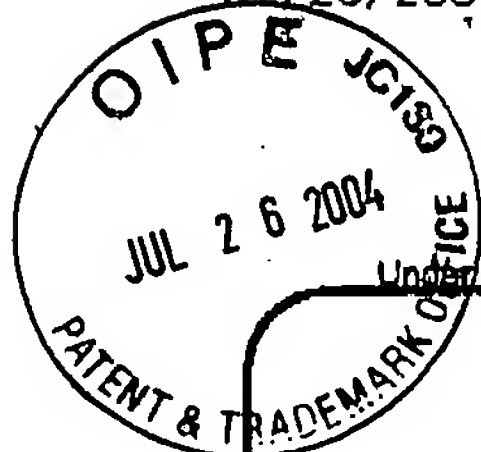
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (08-03)
Approved for use through 08/30/2003. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number 10/708,897

Filing Date 30 March 2004

First Named Inventor Bruce W. TRYON

Art Unit 3661

Examiner Name (OIPE)

Attorney Docket Number 5704-00209

Total Number of Pages in This Submission

10

RECEIVED**CENTRAL FAX CENTER****JUL 26 2004****ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form
☒ Fee Attached
☐ Amendment/Reply
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/Incomplete Application
☒ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____

- ☐ After Allowance communication to Technology Center (TC)
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☒ Other Enclosure(s) (please identify below):
Declaration
Marked-up Filing Receipt

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name Kurt L. VanVoorhies, Dinnin & Dunn, P.C.

Signature

Date

26 July 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Kurt L. VanVoorhies

Signature

Date

26 July 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. 10/708,897
Response Dated 26 July 2004 to
Notice to File Missing Parts Dated 26 May 2004

RECEIVED
CENTRAL FAX CENTER

Attorney Docket No. 5704-00209

JUL 26 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/708,897
Applicant : Bruce W. TRYON
Filed : 30 March 2004
TC/A.U. : 3661
Examiner : (OIPE)
Title : HYBRID ELECTRIC VEHICLE ENERGY MANAGEMENT SYSTEM
Docket No. : 5704-00209
Confirmation No. : 2896
Customer No. : 26659

OFFICIAL

RESPONSE TO
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

26 July 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated 26 May 2004, Applicant respectfully requests that the attached Declaration submitted herewith be substituted for the unsigned Declaration that was inadvertently filed with the above-identified application. The signed Declaration provided herewith was signed prior to the filing of the above-identified application and after a review thereof by the inventor, and was available at the time of filing. The filing of the unsigned Declaration instead was an inadvertent error.

Enclosed herewith is a credit card payment form in the amount of \$130 in payment of the fee under 37 CFR 1.136(e).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 26 July 2004

FACSIMILE

☒ transmitted by facsimile to the Patent and Trademark Office, Fax No. (703) 872-9306.



Signature

Kurt L. VanVoorthies

(type or print name of person certifying)

Application No. 10/708,897
Response Dated 26 July 2004 to
Notice to File Missing Parts Dated 26 May 2004

Attorney Docket No. 5704-00209

The Notice to File Missing Parts indicated that an additional feed of \$86 was required for 4 independent claims over 3. Applicant respectfully requests reconsideration of this determination. The above-identified application was filed with a total of 6 independent claims as follows: claims 1, 7, 12, 24, 35 and 47, which is a total of 3 independent claims over 3, not 4. As indicated on the attached fee transmittal -- reprinted from the electronic file -- upon filing, the fees were paid for 3 independent claims over 3. It would appear from the electronic file that the dependency of claim 29 is missing from the claim -- which dependency should be claim 28, -- although the claim is otherwise written in dependent form. Claim 29 will be amended to explicitly insert 28 as the claim upon which claim 29 is dependent. Accordingly, Applicant respectfully submits claim 29 is a dependent claim, and accordingly that there are only 6 independent claims, so that no additional excess claims fees are due.

Applicant also respectfully requests that a replacement Official Filing Receipt be issued showing the total number of independent claims to be 6 instead of 7, as indicated on the attached marked-up copy thereof.

Respectfully Submitted,



Kurt L. VanVoorhies

Registration No. 38,643

Phone: 248-364-2100

Facsimile: 248-364-2200

Dinnin & Dunn, P.C.
2701 Cambridge Court, Suite 500
Auburn Hills, MI 48326
5704-00203
26 July 2004